

CHAPTER 206

PLACEMENT OF CHILDREN COMPACT

S. F. 454

AN ACT enabling Iowa to enter into the interstate compact on the placement of children.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Sections two hundred thirty-eight point thirty-three
2 (238.33) through section two hundred thirty-eight point thirty-nine
3 (238.39), Code 1966, are hereby repealed and the following enacted
4 in lieu thereof:

5 The interstate compact on the placement of children is hereby en-
6 acted into law and entered into with all other jurisdictions legally
7 joining therein in form substantially as follows:

8 ARTICLE I.—PURPOSE AND POLICY

9 It is the purpose and policy of the party states to cooperate with
10 each other in the interstate placement of children to the end that:

11 a. Each child requiring placement shall receive the maximum op-
12 portunity to be placed in a suitable environment and with persons or
13 institutions having appropriate qualifications and facilities to provide
14 a necessary and desirable degree and type of care.

15 b. The appropriate authorities in a state where a child is to be
16 placed may have full opportunity to ascertain the circumstances of
17 the proposed placement, thereby promoting full compliance with ap-
18 plicable requirements for the protection of the child.

19 c. The proper authorities of the state from which the placement is
20 made may obtain the most complete information on the basis of
21 which to evaluate a projected placement before it is made.

22 d. Appropriate jurisdictional arrangements for the care of chil-
23 dren will be promoted.

24 ARTICLE II.—DEFINITIONS

25 As used in this compact:

26 a. "Child" means a person who, by reason of minority, is legally
27 subject to parental, guardianship or similar control.

28 b. "Sending agency" means a party state, officer or employee there-
29 of; a subdivision of a party state, or officer or employee thereof; a
30 court of a party state; a person, corporation, association, charitable
31 agency or other entity which sends, brings, or causes to be sent or
32 brought any child to another party state.

33 c. "Receiving state" means the state to which a child is sent,
34 brought, or caused to be sent or brought, whether by public author-
35 ities or private persons or agencies, and whether for placement with
36 state or local public authorities or for placement with private agen-
37 cies or persons.

38 d. "Placement" means the arrangement for the care of a child in
39 a family free or boarding home or in a child-caring agency or insti-
40 tution.

41 ARTICLE III.—CONDITIONS FOR PLACEMENT

42 a. No sending state shall send, bring, or cause to be sent or brought
43 into any other party state any child for placement in foster care or

as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

b. Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

1. The name, date and place of birth of the child.

2. The identity and address or addresses of the parents or legal guardian.

3. The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring or place the child.

4. A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

c. Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph b. of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

d. The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV.—PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V.—RETENTION OF JURISDICTION

a. The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to

95 effect or cause the return of the child or its transfer to another loca-
96 tion and custody pursuant to law. The sending agency shall continue
97 to have financial responsibility for support and maintenance of the
98 child during the period of the placement. Nothing contained herein
99 shall defeat a claim of jurisdiction by a receiving state sufficient to
100 deal with an act of delinquency or crime committed therein.

101 b. When the sending agency is a public agency, it may enter into
102 an agreement with an authorized public or private agency in the re-
103 ceiving state providing for the performance of one or more services
104 in respect of such case by the latter as agent for the sending agency.

105 c. Nothing in this compact shall be construed to prevent a private
106 charitable agency authorized to place children in the receiving state
107 from performing services or acting as agent in that state for a pri-
108 vate charitable agency of the sending state; nor to prevent the agency
109 in the receiving state from discharging financial responsibility for
110 the support and maintenance of a child who has been placed on behalf
111 of the sending agency without relieving the responsibility set forth in
112 paragraph *a.* hereof.

113 ARTICLE VI.—INSTITUTIONAL CARE OF DELINQUENT CHILDREN

114 A child adjudicated delinquent may be placed in an institution in
115 another party jurisdiction pursuant to this compact but no such
116 placement shall be made unless the child is given a court hearing on
117 notice to the parent or guardian with opportunity to be heard, prior
118 to his being sent to such other party jurisdiction for institutional
119 care and the court finds that:

120 1. Equivalent facilities for the child are not available in the send-
121 ing agency's jurisdiction; and

122 2. Institutional care in the other jurisdiction is in the best interest
123 of the child and will not produce undue hardship.

124 ARTICLE VII.—COMPACT ADMINISTRATOR

125 The executive head of each jurisdiction party to this compact shall
126 designate an officer who shall be general coordinator of activities
127 under this compact in his jurisdiction and who, acting jointly with
128 like officers of other party jurisdictions, shall have power to promul-
129 gate rules and regulations to carry out more effectively the terms and
130 provisions of this compact.

131 ARTICLE VIII.—LIMITATIONS

132 This compact shall not apply to:

133 a. The sending or bringing of a child into a receiving state by his
134 parent, relative, or his guardian and leaving the child with any such
135 relative or non-agency guardian in the receiving state.

136 b. Any placement, sending or bringing of a child into a receiving
137 state pursuant to any other interstate compact to which both the state
138 from which the child is sent or brought and the receiving state are
139 party, or to any other agreement between said states which has the
140 force of law.

141 ARTICLE IX.—ENACTMENT AND WITHDRAWAL

142 This compact shall be open to joinder by any state, territory or pos-
143 session of the United States, the District of Columbia, the Common-

144 wealth of Puerto Rico, and, with the consent of Congress, the Govern-
145 ment of Canada or any province thereof. It shall become effective
146 with respect to any such jurisdiction when such jurisdiction has en-
147 acted the same into law. Withdrawal from this compact shall be by
148 the enactment of a statute repealing the same, but shall not take
149 effect until two years after the effective date of such statute and until
150 written notice of the withdrawal has been given by the withdrawing
151 state to the Governor of each other party jurisdiction. Withdrawal
152 of a party state shall not affect the rights, duties and obligations
153 under this compact of any sending agency therein with respect to a
154 placement made prior to the effective date of withdrawal.

155 ARTICLE X.—CONSTRUCTION AND SEVERABILITY

156 The provisions of this compact shall be liberally construed to effec-
157 tuate the purposes thereof. The provisions of this compact shall be
158 severable and if any phrase, clause, sentence or provision of this com-
159 pact is declared to be contrary to the constitution of any party state
160 or of the United States or the applicability thereof to any govern-
161 ment, agency, person or circumstance is held invalid, the validity of
162 the remainder of this compact and the applicability thereof to any
163 government, agency, person or circumstance shall not be affected
164 thereby. If this compact shall be held contrary to the constitution of
165 any state party thereto, the compact shall remain in full force and
166 effect as to the remaining states and in full force and effect as to the
167 state affected as to all severable matters.

1 SEC. 2. Financial responsibility for any child placed pursuant to
2 the provisions of the interstate compact on the placement of children
3 shall be determined in accordance with the provisions of article V
4 thereof in the first instance. However, in the event of partial or com-
5 plete default of performance thereunder, the provisions of chapters
6 two hundred fifty-two (252) and two hundred fifty-two A (252A),
7 Code 1966, fixing responsibility for the support of children also may
8 be invoked.

1 SEC. 3. The "appropriate public authorities" as used in article III
2 of the interstate compact on the placement of children shall, with
3 reference to this state, mean the state department of social welfare
4 and said department shall receive and act with reference to notices
5 required by said article III.

1 SEC. 4. As used in paragraph *a.* of article V of the interstate
2 compact on the placement of children, the phrase "appropriate au-
3 thority in the receiving state" with reference to this state shall mean
4 the state department of social welfare.

1 SEC. 5. The officers and agencies of this state and its subdivisions
2 having authority to place children are hereby empowered to enter
3 into agreements with appropriate officers or agencies of or in other
4 party states pursuant to paragraph *b.* of article V of the interstate
5 compact on the placement of children. Any such agreement which
6 contains a financial commitment or imposes a financial obligation on
7 this state or subdivision or agency thereof shall not be binding unless

8 it has the approval in writing of the director of family and children's
9 services in the case of the state and the overseer of the poor in the
10 case of a subdivision of the state.

1 SEC. 6. Any requirements for visitation, inspection or super-
2 vision of children, homes, institutions or other agencies in another
3 party state which may apply under the provisions of this chapter
4 shall be deemed to be met if performed pursuant to an agreement
5 entered into by appropriate officers or agencies of this state or a sub-
6 division thereof as contemplated by paragraph b. of article V of the
7 interstate compact on the placement of children.

1 SEC. 7. Any court having jurisdiction to place delinquent chil-
2 dren may place such a child in an institution of or in another state
3 pursuant to article VI of the interstate compact on the placement of
4 children and shall retain jurisdiction as provided in article V thereof.

1 SEC. 8. As used in article VII of the interstate compact on the
2 placement of children, the term "executive head" means the governor.
3 The governor is hereby authorized to appoint a compact adminis-
4 trator in accordance with the terms of said article VII.

1 SEC. 9. Nothing contained herein shall be deemed to affect or
2 modify the provisions of chapters two hundred thirty-two (232) and
3 six hundred (600) of the Code.

Approved July 3, 1967.

This Act was passed by the G. A. before July 1, 1967.

CHAPTER 207

CHILD ASSISTANCE IN ANOTHER STATE

S. F. 551

AN ACT relating to the payment of assistance from aid to dependent children funds on behalf of a child removed from the state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred thirty-nine point eight (239.8),
2 Code 1966, is hereby amended by striking from lines fourteen (14)
3 and fifteen (15) the words "assistance shall immediately cease" and
4 inserting in lieu thereof the following:

5 "assistance shall be continued as long as the child remains other-
6 wise eligible for assistance under this chapter or until he becomes
7 eligible for assistance from the state to which he has moved, but in no
8 case may assistance payments from this state be continued for more
9 than one (1) year beyond the date of the child's removal from this
10 state; provided, further, that during the period in which such assist-
11 ance may be paid, the county board shall, by regular contact with the
12 proper state or local welfare agency in the state to which such child
13 has been removed, review and determine such child's eligibility for